

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

WILLIAM COX,

Plaintiff,

v.

**MASSACHUSETTS DEPARTMENT OF
CORRECTION and STEVEN J. O'BRIEN,**

Defendants.

**Civil Action No.
13-10379-FDS**

VERDICT FORM

Violation of 42 U.S.C. § 1983

1. As to Count One (violation of 42 U.S.C. § 1983), we find for:

Plaintiff William Cox _____

Defendant Steven O'Brien ✓

Violation of the ADA

2. As to Count Two (violation of the Americans with Disabilities Act), we find for:

Plaintiff William Cox ✓

Defendant Massachusetts Department of Correction _____

If you found for the plaintiff in question 2, please indicate the specific ADA violations you have found by placing an "X" next to the programs or services you found the plaintiff did not have meaningful access to:

2(a). Procedures to obtain medical care X

2(b). Procedures to report and resolve grievances X

2(c). Procedures to report physical or sexual threats or assaults ✓

2(d). Telephones ✓

2(e). Showers _____

Note: If you found for the defendants on both of the above, you do not need to answer any of the remaining questions. Have your foreperson sign and date this form, because you have completed your deliberations.

Questions as to Damages

Violation of 42 U.S.C. § 1983

Note: Answer questions 3, 4 and 5 only if you found for the plaintiff in question 1.

If you found for the plaintiff in question 1, you must award plaintiff at least nominal damages.

3. As to the Section 1983 claim, we find that the plaintiff is entitled to compensatory damages in the amount of:

\$ none (state the amount)

4. As to the Section 1983 claim, we find that the plaintiff is entitled to punitive damages in the amount of:

\$ none (state the amount or, if none, write the word "none")

5. Do you award pre-judgment interest on your award of damages under § 1983?

Yes _____

No _____

Violation of the ADA

Note: Answer questions 6 and 7 only if you found for the plaintiff in question 2.

6. As to the ADA claim as a whole, we find that the plaintiff is entitled to compensatory damages in the amount of:

\$ 250,000 (state the amount or, if none, write the word "none")

The plaintiff has alleged violations of the ADA based on his inability to meaningfully access five separate programs or services. Please specify the amount of compensatory damages you award for each separate violation that you have found. The amounts listed below should add up to the amount specified in question 6.

6(a). Procedures to obtain medical care:

\$ 50,000 (state the amount or, if none, write the word "none")

6(b). Procedures to report and resolve grievances:

\$ 25,000 (state the amount or, if none, write the word "none")

6(c). Procedures to report physical or sexual threats or assaults:

\$ 150,000 (state the amount or, if none, write the word "none")

6(d). Telephones:

\$ 25,000 (state the amount or, if none, write the word "none")

6(e). Showers:

\$ none (state the amount or, if none, write the word "none")

7. Do you award pre-judgment interest on your award of damages under the ADA?

Yes ☒ No ☐

Total Award of Compensatory Damages

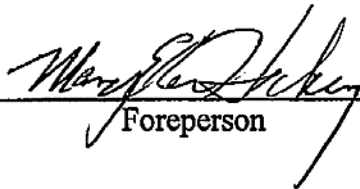
Note: Answer question 8 only if you answered both questions 3 and 6.

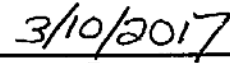
If the plaintiff prevails on both of his claims, you may conclude that any damages to which he may be entitled are the same as to both claims. Alternatively, you may conclude that the damages overlap in part, or that they do not overlap at all. Any award of compensatory damages that you make must not be duplicative – in other words, the plaintiff is not entitled to be compensated twice for the same harm or injury. In order to make sure that any award you make in response to questions 3 and 6 is not duplicative, please indicate the total amount of compensatory damages you intend to award.

8. As to the Section 1983 claim and the ADA claim together, the total amount of compensatory damages to which the plaintiff is entitled is the amount of:

\$ _____ (state the amount)

Your deliberations are complete. Please sign and date this form, and notify the court officer.


Foreperson


Date